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Incorporating the provisions of the Convention on the Rights of Persons with Disabilities in the post-2015 development agenda

Note by the Secretariat

The present document was prepared by the Secretariat on the basis of contributions of experts received through the Bureau of the Conference of States Parties to facilitate the round table 1 discussion on the theme "Incorporating the provisions of the Convention on the Rights of Persons with Disabilities in the post-2015 development agenda", to be held at the seventh session of the Conference of States Parties to the Convention on the Rights of Persons with Disabilities.

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Introduction

1. The commitment of the international community to the advancement of the rights of persons with disabilities and their inclusion in society and development is deeply rooted in the goals of the United Nations, as enshrined in the preamble of the Charter of the United Nations, which refers to fundamental human rights, the dignity and worth of the human person and the promotion of better standards of life in larger freedom.

2. It was not, however, until the adoption of the Convention on the Rights of Persons with Disabilities and its Optional Protocol in 2006 that the specific barriers facing persons with disabilities in realizing their human rights were directly addressed through an international legal instrument. With the adoption of the Convention and its rapid ratification by many Member States, the international community now has in place a strong international normative framework on disability. However, a considerable implementation gap remains.

3. Persons with disabilities represent a significant portion of the world population (15 per cent)[1] and are more likely to live in poverty than persons without disabilities. Their inclusion in all development activities is therefore essential, if internationally agreed development goals, including the Millennium Development Goals, are to be genuinely achieved. However, persons with disabilities are not represented in any of the Goals, targets and indicators.

4. This absence is of particular concern because a growing consensus of experts and researchers finds that the most pressing issue faced globally by persons with disabilities is their lack of equal access to resources such as education, employment, health care, and social and legal support systems, resulting in persons with disabilities experiencing disproportionately high rates of poverty.[2]

5. In the years since the adoption of the United Nations Millennium Declaration (General Assembly resolution 55/2), which saw the drafting and adoption of the Convention, members of the international community have increasingly recognized the urgency and importance of including persons with disabilities in the global development agenda and have reiterated their commitment to the realization of internationally agreed development goals, including the Millennium Development Goals, for persons with disabilities.[3]

6. As the deadline for achieving the Goals approaches and discussions on a post-2015 global development agenda intensify, the international community has before it a critical opportunity to ensure the inclusion of disability in the emerging framework. To that end, in 2011, the General Assembly decided to convene a high-level meeting, at the level of Heads of State and Government, on the theme "The way forward: a disability-inclusive development agenda towards 2015 and beyond".

7. Held on 23 September 2013, the High-level Meeting of the General Assembly on the realization of the Millennium Development Goals and other internationally

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[1] World Health Organization and World Bank, *World Report on Disability* (Geneva, 2011). Estimate based on population in 2010.

[2] *Disability and the Millennium Development Goals, A Review of the MDG Process and Strategies for Inclusion of Disability Issues in the Millennium Development Goal Efforts* (United Nations publication, Sales No. E.11.IV.10).

[3] See General Assembly resolutions 63/150, 64/131, 65/186, 66/124 and 68/3.

agreed development goals for persons with disabilities provided an unprecedented opportunity to bring global attention to the situation of persons with disabilities in relation to development. During the opening session of the meeting, a concise, action-oriented document was adopted by Member States, through which they reiterated their determination to ensure the realization of the Millennium Development Goals for persons with disabilities and stressed the importance of giving due consideration to all persons with disabilities in the emerging post-2015 development agenda.

8. The outcome document of the High-level Meeting (General Assembly resolution 68/3) is rooted in the goals of the Charter and the Universal Declaration of Human Rights (articles 2 and 25), and in specific provisions of the Convention that require States parties to take steps to ensure the realization of the rights of persons with disabilities as well as other international disability-specific instruments, including the World Programme of Action concerning Disabled Persons and the Standard Rules on the Equalization of Opportunities for Persons with Disabilities.

9. The outcome document explicitly recognizes the rights of persons with disabilities in the context of achieving internationally agreed development goals, by underlining the need to achieve the full application and implementation of the international normative framework on disability and development by encouraging the ratification and implementation of the Convention and by considering the ratification of its Optional Protocol, as both human rights and development instruments.

10. In stressing the importance of ensuring accessibility for and inclusion of persons with disabilities in all aspects of development, the outcome document addresses a wide range of cross-cutting issues, including the rights to education, health, social protection, employment and decent work and the needs of persons with disabilities in humanitarian response and disaster risk reduction.

11. The development aspect of the Convention provides specific guidelines for disability-inclusive action and is highly relevant to tackling the global challenges to development that the Goals and the post-2015 development agenda seek to address. For example, the Convention contains stand-alone articles dedicated to thematic issues such as situations of risk and humanitarian emergencies (article 11), education (article 24), health (article 25), work and employment (article 27), adequate standard of living and social protection (article 28), all of which are useful for the new agenda. Inclusion of the disability perspective in the emerging development framework constitutes an important tool towards implementing the Convention and addressing the current gap between legislation, policy and practice.

12. The present document outlines the way in which the Convention may be used to provide guidance to States, international organizations and civil society organizations, including organizations of persons with disabilities, in realizing the commitments included in the outcome document, most specifically towards the realization of a disability-inclusive post-2015 development framework.

13. The document also emphasizes the linkages between the outcome document and the provisions of the Convention in respect of international cooperation. With the inclusion of article 32, on international cooperation, the Convention has become the first human rights treaty to include specific provisions requiring States to

undertake effective measures to foster international cooperation in the realization of the rights of persons with disabilities, including, for example, cooperation between developed and developing countries. Such measures could include not only north-south but also north-north and south-south cooperation.

14. The document also reviews the ongoing post-2015 discussion to promote equality, which provides an entry point for the inclusion of a disability perspective in the emerging international development framework.

The Convention as a tool to promote inclusive, equitable and sustainable development

15. The Convention recognizes that international cooperation plays an important role in the promotion and protection of the rights of persons with disabilities (see A/HRC/16/38). A number of its provisions provide useful guidance for the implementation of the commitments undertaken by Member States in respect of the outcome document.

16. In the preamble of the Convention, for example, States parties highlight the fact that the majority of persons with disabilities live in conditions of poverty (para. (t)) and recognize the importance of international cooperation for improving the living conditions of persons with disabilities in every country, particularly in developing countries (para. (l)).

17. Also in the preamble, States parties recognize the importance of the principles and policy guidelines contained in the World Programme of Action concerning Disabled Persons and the Standard Rules on the Equalization of Opportunities for Persons with Disabilities in influencing the promotion, formulation and evaluation of, inter alia, programmes and actions at the national, regional and international levels to further equalize opportunities for persons with disabilities (para. (f)). They also emphasize the importance of mainstreaming disability issues as an integral part of relevant strategies of sustainable development (para. (g)).

18. Under article 4 of the Convention, States parties are required to take into account the protection and promotion of the human rights of persons with disabilities in all policies and programmes (para. 1 (c)) and, with regard to economic, social and cultural rights, to undertake to take measures to the maximum of their available resources and, where needed, within the framework of international cooperation, with a view to achieving progressively the full realization of those rights, without prejudice to those obligations contained in the Convention that are immediately applicable according to international law (para. 2).

19. The Convention also includes a stand-alone article on international cooperation (article 32), which sets out modalities most relevant to international cooperation to support the realization of disability rights. These include (a) inclusive and accessible international cooperation; (b) capacity-building; (c) cooperation in research and access to scientific and technical knowledge; and (d) technical and economic assistance, including through technological transfer (see A/HRC/16/38).

20. The provisions provide a solid ground — and indeed a legal commitment — for promoting a global development agenda beyond 2015 that is accessible to and inclusive of persons with disabilities, and is respectful of their human rights.

Inclusion of persons with disabilities in the post-2015 process

21. There is also growing recognition that the inclusion of disability is necessary not only for the benefit of persons with disabilities but also for the actual achievement of development goals.

22. Initiatives taken towards the development of the post-2015 development framework have provided some cause for optimism. For example, in its report entitled "A new global partnership: eradicate poverty and transform economies through sustainable development", the High-level Panel of Eminent Persons on the Post-2015 Development Agenda addresses disability in a number of critical ways, including as a crosscutting development issue and in relation to human rights, participation and monitoring.

23. A promising entry point for the inclusion of a disability perspective in the post-2015 development agenda stems from the ongoing discussion on inequalities, featured in the global consultations facilitated by the United Nations Development Group and intergovernmental processes convened by the General Assembly, including the Open Working Group on Sustainable Development Goals and the High-level Political Forum on Sustainable Development The discussions have shed light on several major ways in which inequalities have hindered progress towards the Millennium Development Goals, in some cases even widening gaps between different groups within a given society, and provide important lessons for the new agenda. With growing socioeconomic inequalities faced by particular social groups, including persons with disabilities, it is essential that the post-2015 development agenda be underpinned by human rights standards and principles, including of equality and non-discrimination.[4] The post-2015 development agenda should take a human rights-based approach in line with the Convention and be supported by social policy frameworks, addressing both the causes and effects of poverty and inequality.

24. The explicit inclusion of persons with disabilities in the post-2015 development agenda could take a number of different forms. One way would be to include a stand-alone goal on disability, with its own set of targets and indicators. This would be similar to Goal 4, on promoting gender equality and the empowerment of women. Discussions so far have included, for example, a proposal for the adoption of an inclusive education goal with adequate targets and indicators in the post-2015 development agenda, as recommended in the 2013 report of the Office of the United Nations High Commissioner for Human Rights on the rights of persons with disabilities (A/HRC/25/29 and Corr.1).

25. Another approach could be to propose an independent list of indicators for persons with disabilities that can be used following a standard list of themes (for example, education, health, work and employment). Such an independent set of indicators has already been proposed for gender, ageing, youth and migrants, according to the 2013 report of the United Nations System Task Team on the Post-2015 United Nations Development Agenda, entitled "Statistics and indicators for the post-2015 development agenda". A third option would be to look at inequality across each theme, for example, child mortality according to income quintiles. This last option does not have the advantage of the indicator being tailored to address the specific needs of persons with disabilities. However, if data

[4] Technical Support Team, issues brief on promoting equality, including social equality.

disaggregated by disability, sex and age is made available, it will still be useful for the process of gathering information on how inequality can be reduced within population groups to reach the overall target.

26. There are encouraging signs of the willingness to strengthen the focus on disability statistics in the new development agenda. In its report, the United Nations System Task Team noted the need for systematic statistics on persons with disabilities among other population groups to support the principles of non-discrimination and equality. In its report, the High-level Panel of Eminent Persons on the Post-2015 Development Agenda also underlined the need for accurate data, calling for a "data revolution" and stipulating that data gathered should be disaggregated by disability, gender and other categories to ensure that no one was left behind. Sustained efforts will be required to build upon such developments and to bring about a disability-inclusive post-2015 framework.

The way forward

27. As the international community moves towards the formulation of new sustainable and post-2015 development goals, the options below may be considered for promoting disability-inclusive development:

- **Improve disability data collection, analysis, monitoring and evaluation for policy development and programming**. Disaggregated data will help to measure the gap between persons with disabilities and the rest of the population, and can contribute to the formulation of appropriate targets to ensure the inclusion of those left behind (for example, in health, education, employment and income outcomes).

- **Progressively remove barriers to and promote the realization of accessibility as part of the general system of society**. Disability-inclusive development integrating the concept of universal design and accessibility for all not only benefits persons with disabilities but all members of society (including, for example, ageing populations, those accompanied by children and travellers with luggage), promoting future development that is inclusive and sustainable.

- **Further strengthen international, regional and subregional cooperation and partnerships for a disability-inclusive post-2015 development agenda**. An increase in the mobilization of public and private resources and the exchange of good practices, including utilizing the multiple modalities of regional and subregional cooperation, such as North-South cooperation, South-South and triangular cooperation, are encouraged as means to achieve this objective.

- **Ensure that persons with disabilities and their representative organizations are given the opportunity to participate meaningfully in all development processes, in full respect of articles 3 (c) and 4 (3) of the Convention**. Support, including capacity-development, should be provided for persons with disabilities and their organizations in order to facilitate such participation.

28. The following questions are set out for the consideration of the participants at round table 1:

(a) What specific entry points exist, at this stage, for including disability in the post-2015 development agenda?

(b) It is often observed that the simplicity of the Millennium Development Goals (8 goals, 18 targets, 48 indicators) contributed to their success. How can a new framework best address inequalities, including specifically those faced by persons with disabilities, in relation to all relevant emerging goals (for example, relating to poverty reduction/eradication, health and education), without over-complicating the new framework?

(c) How can the inclusion of disability in the post-2015 development agenda be monitored and evaluated?